IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 3137 of 2005

Between:

E.Padma D/o.Linga Rao
Government Central Primary School,

Hanman Road, Karimnagar,

Karimnagar District.

..... PETITIONER

AND

1 The Commissioner of Intermediate Education A.P., Hyderabad.
2 State of A.P. rep. by its Principal Secretary to Government,

Higher Education Department,
Secretariat, Hyderabad.
3 The Regional Joint Director of Intermediate Education,

Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of Certiorari calling for the records relating to the order of the Hon'ble A.P. Administrative Tribunal Dt.25.1.2005 in O.A.No.251 of 2005 and quash the same and also declare the A.P. Intermediate

Educational Subordinate Service Rules issued vide G.O.Ms.No.79 dt.25.11.2002 as illegal, bad, arbitrary and unconstitutional and further direct the respondents to consider the case of the petitioner for appointment as Gazetted Librarian in Government Junior Colleges in accordance with rules issued vide G.O.Ms.No.1009 dt.28.10.1974 with all consequential benefits and to pass such other order or orders.

Counsel for the Petitioner: MR.J.R.MANOHAR RAO

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following :

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ORDER:(per GB,J)

The writ petition is filed assailing the order dated 25-01-2005 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.251 of 2005.

2. The very short point that arises for consideration is as to whether the petitioner is entitled to the appointment to the post of Gazetted Librarian in Government Junior College in pursuance of the Rules issued in G.O.Ms.No.1009/Education, dated 28-10-1974.

3. The method of recruitment for the posts of Gazetted Librarians is as follows:

> "Method of Appointment: Appointment to the posts shall be made by direct recruitment or by recruitment by transfer from any other class of service in the rate of 1:1."

4. However, this rule was amended from 25-11-2002. But the grievance of the petitioner is that the post, which arose before the pre-amended period i.e., before 25-11-2002 shall be filled up in accordance with the pre-amended rules. Therefore, for this purpose, we called upon the learned Government Pleader to ascertain information as to whether there are any vacancies prior to 25-11-2002 and place before the Court, for which, he submits that there are four posts of Gazetted Librarians.

5. Under those circumstances, we find that the above said posts have to be filled up in accordance with the pre-amended Rules. Since the petitioner is claiming the post of Gazetted Librarian as per the pre-amended Rules, his case has to be considered

in accordance with the said Rules.

6. Accordingly, the order dated 25-01-2005 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, is setaside and the writ petition is disposed of directing the respondents to consider the case of the petitioner for appointment to the post of Gazetted Librarian in accordance with the provisions contained in G.O.Ms.No.1009, dated 28-10-1974, within a period of six weeks from the date of receipt of a copy of this order. No costs.

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G.BIKSHAPATHY, J

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P.S.NARAYANA, J

Date: 06-04-2005

Note: Issue C.C. in three days.

(B/o)

Prv

To

1 The Commissioner of Intermediate Education A.P., Hyderabad.
2 The Principal Secretary to Government,

Higher Education Department,

State of A.P.,
Secretariat,

Hyderabad.
3 The Regional Joint Director of Intermediate Education,

Warangal.

4 Two CCs to G.P. for Service-I, High Court of Andhra Pradesh,

Hyderabad (OUT).

5 Two CD copies.

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